

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
APPEAL SUIT (Filing) No.24875 of 2024
PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
1.	14.8.2024	<u>NJS, J & JS, J</u> <u>I.A. No.1 of 2024</u> Heard the learned counsel for the petitioners, who <i>inter alia</i> submits that the respondent Nos.1 and 2/plaintiffs filed suit in O.S. No.38 of 2017 on the file of the Court of the V Additional District Judge, Nellore against the respondent No.3/sole defendant seeking specific performance of agreement of sale dated 17.2.2011 in respect of the suit schedule properties. He submits that prior to the said agreement of sale, the respondent No.3 herein executed registered sale deeds on different dates, the details of which are furnished in the affidavit filed in support of the Leave Petition. He submits that though the respondent Nos.1 and 2/plaintiffs are well aware of the said aspect, as is discernible from the legal notice dated 10.4.2017, no steps have been taken to implead the petitioners herein as parties to the said suit. He also contends that the respondent Nos.1 and 2, in collusion with the respondent No.3, secured a decree and under the guise of the same, initiated Execution Proceedings. He submits that the petitioners herein are affected parties and unless	

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		leave is granted to prefer the appeal, their valuable rights would be seriously affected. The learned counsel further submits that though the respondent No.3 herein filed A.S. No.701 of 2023 against the judgment and decree in O.S.No.38 of 2017, no steps have been taken seeking stay of execution of the decree, pending disposal of the said appeal. The learned counsel, in support of his submission that the petitioners being the affected parties can file the present appeal with leave of this Court, had placed reliance on the decision of the Hon'ble Supreme Court in <i>My Place Mutually Aided Co-operative Society vs. B.Mahesh</i>, Civil Appeal No.5784 of 2022, dated 23.8.2022. Considering the submissions and in the light of the expression of the Hon'ble Supreme Court in the decision referred to above, this Court is inclined to grant Leave to the petitioners. Accordingly, I.A. No.1 of 2024 is allowed. <u>A.S.No.428 of 2024</u> List the appeal on 20.8.2024. NJS, J JS, J vasu	
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